Declaration under rule 132

Declaration under rule 132 by Hendrik Oevering has been fully considered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bryan H. Davidson on 2/26/08.

The application has been amended as follows:

IN THE CLAIMS:

- In claim 1, line 14, the text -0.3- has been replaced with "*0.5*".
- In claim 16, line 2, the following text has been deleted: -more preferably < 0.99, more preferably less than 0.98,-.
- Claim 24 has been canceled.
- Claim 25 has been canceled.
- Claim 26 has been canceled.

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

Closest art is EP 0 005 291 A1 (from here on '291) and BP 1,138,750 (from here on '750). '750 teaches a process for preparation of cyclohexanone oxime, while '291 teaches a process for recovering cyclohexanone oxime from a solution of oxime in toluene by distillatory separation. The two above references combined do not render the instant invention obvious. While preparation of the cyclohexanone oxime and the separation of the product are taught, the instant invention describes a process where extensive separation of the product (as taught in '291) is not required. According to the instant invention a considerably higher concentration of cyclohexanone oxime is allowed to co-distill with the cyclohexanone starting material. Greater that 0.5 oxime to anone ratio in the instant claims compared to 0.27 in the distillation procedure of '291. Prior art also fails to teach recycling of the second product, a mixture comprising cyclohexanone and cyclohexanone oxime, back into the reactor. Although the second product is present in '291, one of ordinary skill in the art would not be motivated to recycle it because cyclohexanone oxime is known to undergo decomposition at higher temperatures (such are required to obtain the second product) and the decomposition products are known to have a negative effect on the efficacy of the process steps. The evidence of such decomposition is provided by Hiroshi et al (EP 0 550 965 A2) (see column 1, lines 4-11). Hiroshi et al. therefore teach away from recycling the distillate of '291. Without recycling of the second product, there is no motivation to increase the concentration of the oxime in the second product because it would result in the loss of the desirable product.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

/YVONNE L. EYLER/

Supervisory Patent Examiner, Art Unit 1621